

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

OZBURN-HESSEY LOGISTICS, LLC,)	
Petitioner,)	
)	
v.)	
)	Case No. 19-1054
NATIONAL LABOR RELATIONS)	
BOARD ,)	
Respondent.)	

UNION’S MOTION TO INTERVENE

Now Comes the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union, AFL-CIO, CLC ("Union"), and does hereby move this Court for leave to intervene in the above-captioned case pursuant to FRAP Rule 15(d). In support of this Motion, the Union states the following:

1. On or about January 10, 2019, Ozburn-Hessey Logistics, Inc. (“the Employer”) filed a Petition for Review of a National Labor Relations Board Decision and Order of August 27, 2018, in Case Nos. 15-CA-097046, 15-CA-105527, 15-CA-106387, 15-CA-106511, 15-CA-109235, 15-CA-111520, 15-CA-111523, 15-CA-111581, 15-CA-117208, 15-CA-119925, 15-CA-119826, 15-CA-123315, 15-CA-106180, 15-CA-108749, reported at 366 NLRB No. 177.
2. In the August 27, 2018 Decision and Order, the Board found that the Petitioner violated Sections 8(a)(1), (3) and (5) of the National Labor Relations Act, 29 U.S.C. §§ 158 (a)(1), (3), (5), and ordered it to take appropriate remedial action.

3. The Employer has appealed the NLRB's Decision and Order in the above-captioned case in the U.S. Court of Appeals for the Sixth Circuit. As the prevailing party in this case, the Union has the right to intervene in this case in support of the aforesaid Decision of the NLRB pursuant to FRAP Rule 15(d). *See Int'l Union v. Scofield*, 382 U.S. 205, 209-217 (1965) (holding that the successful party in NLRB proceedings has the right to intervene in appellate proceedings brought by the unsuccessful party).

4. The Union's instant Petition to Intervene, filed less than 30 days after the Employer filed its Petition for Review on or about January 10, 2019 is timely. *See* FRAP Rule 15(d) ("motion to intervene must be filed within 30 days after the petition for review is filed.").

WHEREFORE, this Court should grant leave for the Union to intervene in the above-captioned case.

Dated: February 11, 2019

Respectfully submitted,

/s/ Keren Wheeler
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of February, 2019, a copy of the foregoing shall be filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system, including the following:

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